

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

**In Re:** )  
 )  
**AREDIA® AND ZOMETA® PRODUCTS** )  
**LIABILITY LITIGATION** )  
 )  
**(MDL No. 1760)** )      **No. 3:06-MD-1760**  
 )      **Judge Campbell/Brown**  
 )  
**This Document Relates to:** )  
**Frazier, 3:06-cv-00815** )  
**Cherry, 3:06-cv-00977** )

**ORDER**

Plaintiffs in the cases above filed amended motions to substitute on December 5, 2013. (MDL Docs. 7190, 7179; Related Cases 91, 65) Defendant responded to both motions on December 12, 2013, in each case not objecting to granting the motions provisionally. (MDL Docs. 7220, 7213; Related Case 93, 67) The Magistrate Judge granted the motions provisionally on December 12, 2013 subject to Mark Frazier “filing a copy of the order appointing [him] as the deceased Plaintiff’s personal representative,” and James Cherry “provid[ing] satisfactory evidence that he has been issued letters of administration,” the actions in both cases to be completed prior to a suggestion of remand entering. (MDL Docs. 7221, 7226; Related Cases 94, 68)

Plaintiffs filed a joint motion to review the Magistrate Judge’s December 18, 2013 orders arguing that they were unable comply with the orders because a suggestion of remand already had entered in their cases. (MDL Doc. 7234; Related Cases 95, 69) The District Judge referred the matter back to the Magistrate Judge for reconsideration “in light of the fact that a Suggestion of Remand was entered on December 9, 2013, prior to the Orders of the Magistrate Judge.” (MDL Docs. 7198, 7237 (footnote omitted); Related Cases 92, 95, 66, 70)

The Magistrate Judge **AMENDS** his December 12, 2013 orders (MDL Docs. 7221, 7226; Related Cases 94, 68) to **STRIKE** as clearly erroneous that portion of those orders that require compliance prior to a suggestion of remand entering. The Magistrate **FURTHER AMENDS** his December 12, 2013 orders to **STRIKE** the “provisional” restriction of the substitutions granted as no longer necessary. On December 18, 2013, James Cherry filed a copy of letters of administration granted to him that same day by the Bowie County Court in Texas. (MDL Doc. 7238, Ex. A; Related Case 71) On December 19, 2013, Mark Frazier filed a copy of an order entered in the Culpeper County Circuit Court in Virginia on December 18, 2013 appointing him as administrator of his late father’s estate. (MDL Doc. 7243, Ex. A; Related Case 97)

It is so **ORDERED**.

**ENTERED** the 20<sup>th</sup> day of December, 2013.

/s/Joe B. Brown  
Joe B. Brown  
United States Magistrate Judge